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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 72/118, the present report provides an outline of the progress made by the Secretariat since the previous report (A/72/184) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited to take action in the light of the conclusions drawn in paragraphs 17 and 28.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 72/118. It provides information on the progress made by the Secretariat since the previous report (A/72/184) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. It examines the respective mandates and workflow in the preparation of these publications, in printed and electronic forms, and gives an overview of the available resources and existing modalities of cooperation with academic institutions, associate experts, temporary staff and consultants, as appropriate. The Assembly is invited to take action in the light of the conclusions drawn in paragraphs 17 and 28.

II. *Repertory of Practice of United Nations Organs*

A. Mandate and preparation of supplements to the *Repertory*

2. The *Repertory of Practice of United Nations Organs* was originally mandated by the General Assembly in its resolution 796 (VIII) of 27 November 1953. Its purpose is to document the Organization's application and interpretation of each individual Article of the Charter of the United Nations, to form a legislative history contributing to the knowledge and understanding of the Charter as applied in the practice of the organs of the United Nations.

3. Bearing in mind the call made upon the Secretary-General, in paragraph 17 of General Assembly resolution 72/118, to address, effectively and on a priority basis, the backlog in the preparation of volume III of the *Repertory*, the Codification Division of the Office of Legal Affairs, acting as coordinator for the preparation of the *Repertory*, sought to significantly reduce that backlog, in particular regarding volume III, Supplements Nos. 7 to 9 (1985–1999). Research and drafting of a study on Article 23 of the Charter of the United Nations is under preparation with the assistance of Peking University. Furthermore, two previously completed studies — one on Article 33 of the Charter, prepared with the assistance of interns in the Codification Division, and one on Article 49 of the Charter, prepared with the assistance of a consultant — have been submitted for final review to the responsible author departments, namely, the Department of Political Affairs and the Department of Peacekeeping Operations, respectively. Single studies for each of the aforementioned provisions of the Charter address the entire period covered by Supplements Nos. 7 to 9, that is, 1985 to 1999.

4. Progress has also been achieved in the preparation of studies for volumes III and IV of Supplement No. 10 (2000–2009). As is the case for Supplements Nos. 7 to 9, a study on Article 49 of the Charter for volume III, prepared with the assistance of a consultant, has been submitted to the responsible author department, the Department of Peacekeeping Operations, for final review. Two studies, on Articles 55 (c) and 56 for volume IV, are also currently under review by the responsible author department, the Office of the United Nations High Commissioner for Human Rights. In addition, the Department of Economic and Social Affairs has selected a consultant to prepare a study on Article 58 for volume IV, that study being among those falling under its responsibility. Work also continues in relation to studies on Articles 104 and 105 for volume VI, in preparation by the Office of the Legal Counsel in the Office of Legal Affairs.

5. Further to the decision of the Interdepartmental Committee on Charter Repertory, taken in 2015, that Supplement No. 11 would cover the period 2010–2015 (see A/70/295, para. 5), six studies, on Articles 33, 39, 50 and 51 for volume III and

on Articles 92 and 99 for volume VI, were researched and drafted with the assistance of the Faculty of Law at the University of Ottawa. Two studies, on Articles 55 (c) and 56, for volume IV, are also under preparation by the responsible author department, the Office of the United Nations High Commissioner for Human Rights. Furthermore, relevant parts of a study on Article 101 for volume VI, which was researched and drafted with the assistance of a consultant in the Office of Human Resources Management, were reviewed by the Office of the United Nations Ombudsman and Mediation Services, the Office of Staff Legal Assistance, the Management Evaluation Unit and the Office of Administration of Justice. The text of the study was thereafter made accessible on the *Repertory* website.

6. As is customary, the Department of Public Information and the Dag Hammarskjöld Library played an important role in supporting the research on the *Repertory*.

7. During the period under review, volume I of Supplement No. 10 (2000–2009) was published in English and French. All studies included in this volume were accordingly posted on the *Repertory* website.

8. The current status of the publication is as follows: 30 volumes have been published[1] and 14 have been finalized and submitted for translation and publication.[2] Consequently, from among the 57 volumes of which the publication as a whole (original *Repertory* and Supplements Nos. 1 to 11 thereto) should consist, work remains to be completed on 13, 6 of which pertain to Supplement No. 11 (2010–2015), on which work has begun (see para. 5 above), and 4 to Supplement No. 10 (2000–2009), which are at different stages of preparation (see para. 4 above). The other three volumes on which work remains to be completed correspond to volume III of Supplements Nos. 7 to 9.

9. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles of the Charter. Annex II provides information on the status of the *Repertory*.

B. Availability of *Repertory* studies on the Internet

10. Studies from 44 complete volumes, including the 14 volumes in processing for publication, are available on the United Nations website for the *Repertory* (http://legal.un.org/repertory). Advance versions of several studies on individual Articles for volume III of Supplements Nos. 7 to 9, as well as a considerable number of studies for Supplement No. 10 that have been finalized and are awaiting completion of the respective volumes, continue to be made accessible on the website. This is indeed also done for newly completed studies for Supplement No. 11. The electronic version of the *Repertory* includes a full-text search feature, providing users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication (English, French and Spanish).

11. Currently, all studies available in English are on the Internet, and most of them are also available on the Internet in French and Spanish. Finalized studies awaiting publication are placed on the Internet in the language in which they have been prepared (English for most of them and French for some of them). The Secretariat

[1] *Repertory* and Supplements Nos. 1 to 6 (1946–1984), for a total of 27 volumes, volumes V and VI of Supplement No. 7 (1985–1988) and volume I of Supplement No. 10 (2000–2009).

[2] Volumes I, II and IV of Supplement No. 7 (1985–1988), volumes I, II, IV, V and VI of Supplements Nos. 8 (1989–1994) and 9 (1995–1999) and volume II of Supplement No. 10 (2000–2009).

will continue to make available electronically all three language versions of the finalized *Repertory* studies.

C. Cooperation with academic institutions and sponsoring of associate experts

12. The well-established cooperation for the past eight years with the Faculty of Law at the University of Ottawa contributed to the preparation of six studies, on Articles 33, 39, 50 and 51, for volume III, and on Articles 92 and 99, for volume VI, of Supplement No. 11 (see para. 5 above).

13. With a view to revitalizing cooperation with academic institutions and pursuing a diverse geographical spread, the Codification Division, acting as coordinator for the preparation of the *Repertory*, continued to call upon permanent missions to the United Nations to identify academic institutions that may be interested in contributing to the preparation of studies. To date, the Codification Division has had preliminary contacts with four universities: two in the South Pacific region, one in the Latin American and Caribbean region and one in the Western European and other States region. The Codification Division also invited academic institutions to which members of the International Law Commission are affiliated to consider contributing to the preparation of studies. This has led to the establishment of a framework of cooperation with Peking University, as indicated in paragraph 3 above.

D. Trust fund

14. In its resolution 72/118, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all permanent missions to the United Nations, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. Since the submission of the previous report of the Secretary-General on 21 July 2017, no new contributions have been received by the trust fund.

15. The use of consultants for the preparation of studies pertaining to volumes that are nearing completion is envisaged, as indicated in paragraph 4 above. Additional contributions to the trust fund are therefore strongly encouraged, so as to allow the Secretariat to continue to eliminate the backlog in the *Repertory*.

E. Recommendations of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

16. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the *Repertory* and the *Repertoire* at its session held from 20 to 28 February 2018. In paragraph 74 of its report (A/73/33), the Special Committee recommended, with regard to the *Repertory*, that the General Assembly should commend the Secretary-General for the progress made in the preparation of studies, including the use of the internship programme of the United Nations and cooperation with academic institutions for that purpose; encourage Member States to identify academic institutions that have the capacity to contribute to the preparation of studies for the

Repertory and to provide the contact details of such institutions; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*, as well as the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions, and encourage the continued updating of the website for the *Repertory*; note with concern that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, had not been eliminated, and call upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Conclusions

17. **With regard to the *Repertory*, in the light of the foregoing, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendations of the Special Committee (see para. 16 above) concerning the use of the internship programme of the United Nations and the cooperation with academic institutions for the preparation of studies; the identification of academic institutions having the capacity to contribute to the preparation of studies for the *Repertory*; the voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; the sponsoring, on a voluntary basis, and at no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions, the continued updating of the website for the *Repertory* and the call to continue to address effectively and on a priority basis the elimination of the backlog in volume III of the *Repertory*; and the reiteration of the responsibility of the Secretary-General for the quality of the *Repertory*;**

(c) **To note the progress made towards the elimination of the backlog through the utilization of the trust fund; and to strongly encourage States to make additional contributions to the trust fund.**

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

18. The *Repertoire of the Practice of the Security Council*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, provides a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the provisional rules of procedure of the Security Council. Most recently, by its resolution 72/118, the General Assembly called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952 (A/2170).

19. In paragraph 12 of resolution 72/118, the General Assembly commended the Secretary-General for the progress made towards updating the *Repertoire*. In paragraph 16, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire* and making it available electronically in all its language versions.

20. During the reporting period, pursuant to the mandate provided by the General Assembly, the Secretariat has made sustained progress in the preparation of the Supplements to the *Repertoire*. The main focus of the work of the Secretariat during that period has been the drafting of the twentieth Supplement (2016–2017), the advance version of which is on course towards being completed in the third quarter of 2018. The Secretariat has also made available the advance version of the nineteenth Supplement (2014–2015), while the complete edited version is expected to be finalized and made available on the Security Council website by the end of 2018.

21. As a result of the efficiencies achieved in the past year, the Secretariat is aiming at having the next Supplement of the *Repertoire*, namely the twenty-first Supplement, cover a one-year period, as opposed to a multi-year period as was done in the past. The foundational groundwork and research for the drafting of the twenty-first Supplement (2018) is being systematically conducted through the contemporaneous recording of the decisions and the evolving practice of the Security Council. Technological solutions, made possible through extrabudgetary funding secured by the Secretariat during the reporting period, continue to be efficiently leveraged to ensure the timeliness and accuracy of this work. The Secretariat expects to complete the drafting process for the twenty-first Supplement (2018) in the third quarter of 2019, with a view to making it available online in its advance version immediately thereafter.

22. The Secretariat has maintained its steadfast commitment to producing the *Repertoire* in an expeditious manner, optimizing the limited resources available through efficiency-enhancing initiatives. Notwithstanding the challenges in terms of the complex editing, translation, indexing and publishing of the Supplements, there continue to be improvements in the requisite processes and optimized cooperation between the different Secretariat offices vested with this responsibility to overcome resource constraints and reduce delays in publication. The Secretariat has efficiently utilized extrabudgetary resources to develop a modern, secure, web-enabled database application, which will be rolled out in phases starting at the end of 2018. The new database will allow for the progressive automation of data collection and the enhancement of data analysis, thereby significantly facilitating the research process and the drafting of the *Repertoire*. Furthermore, the training of staff and the increased use of the United Nations internship programme have also enhanced the capacity of the Secretariat to expedite the preparation of the *Repertoire*, while ensuring the highest standards of accuracy and quality control.

B. Availability of *Repertoire* studies on the Internet

23. The Secretariat has continued to post advance versions of drafted Supplements on the *Repertoire* section of the Security Council website to facilitate access to the latest information available. The website also offers a broad range of resources used in the preparation of the *Repertoire*, reflecting the latest practice of the Security Council in relation to the mandates of peace operations and the relevant provisions of decisions on cross-cutting agenda items such as children and armed conflict, women and peace and security and the protection of civilians in armed conflict. In early January 2018, the Secretariat made available, on the *Repertoire* section of the Security Council website, the "Highlights of Security Council practice" for 2017, providing interactive and statistical information on the work of the Council

relating to meetings, missions, agenda items, decisions and voting and subsidiary bodies. Since September 2017, the Secretariat has leveraged similar technologies to showcase monthly statistics on the work of the Council. These information resources have served to improve the ability of researchers and others interested in the work of the Council to systematically follow and analyse its practice. The Secretariat has also launched a project to modernize the Security Council website, including the *Repertoire* section, with an improved user interface and better website management technology. The modernization of the website will ease and increase access to information on the *Repertoire*.

24. The Secretariat has continued to fulfil its advisory role through the provision of information in response to questions, received both directly and through the *Repertoire* section of the Security Council website, relating to the procedural and constitutional issues of the Council and its subsidiary organs. During the reporting period, the number of such queries from Member States, as well as from officials of the United Nations system, representatives of other international and non-governmental organizations, students, academic scholars and researchers and members of the private sector, increased significantly. In additional, the Secretariat has provided high quality research and analysis for internal policy development and reports and undertaken several outreach programmes and contributed to the familiarization of new Council members with respect to the evolving procedure, practice and working methods of the Council.

C. Publication in language versions (print and electronic)

25. Pursuant to General Assembly resolution 55/222, the twelfth to seventeenth Supplements (1993–2011) have been made available on the *Repertoire* section of the Security Council website in all of the official languages. The eighteenth Supplement (2012–2013) is scheduled to be made available by the third quarter of 2018 in all six official languages. The Department for General Assembly and Conference Management continues to make every effort to ensure that the Secretariat is able to post the latest Supplements of the *Repertoire* in the six official languages as soon as they are available.

D. Resources

26. The preparation and publication of the *Repertoire*, as well as the maintenance of its website in all official languages, would not have been possible without the continuing support of the General Assembly. In an environment of financial constraint, voluntary contributions to the trust fund for the updating of the *Repertoire* remain a critical element for sustaining the progress made thus far, improving accessibility to the practice of the Security Council and maintaining the website.

27. The infusion of extrabudgetary resources has enabled the Secretariat to retain the services of temporary staff assisting in the preparation of the *Repertoire*. Since the previous report, a contribution to the trust fund has been received from China. In addition, Italy has contributed by sponsoring an associate expert in the Security Council Practices and Charter Research Branch, who has made a very valuable contribution to advancing the work on the *Repertoire*. In order to continue that progress, the Secretary-General calls on Member States to further support the work of the Secretariat in updating the *Repertoire* through voluntary contributions to the trust fund and the sponsoring of associate experts.

E. Conclusions

28. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the foregoing, and the recommendations made by the Special Committee at its session held from 20 to 28 February 2018, the General Assembly may wish:**

(a) **To note the progress made towards updating the *Repertoire*;**

(b) **To note with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire*;**

(c) **To reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire* and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the publication;**

(d) **To call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions;**

(e) **To reiterate the responsibility of the Secretary-General for the quality of the *Repertoire*, and to call upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952 (A/2170).**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations[a]

Department	*Repertory volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (1) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Office for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[b] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

[a] This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various times since 1996 and is subject to review by the Committee.

[b] The Department of Management (Office of Human Resources Management) is responsible for the preparation of studies on Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2018)

Volumes published and on the Internet	Volumes submitted for publication and on the Internet	Studies on the Internet (pertaining to volumes not submitted for publication)	Studies in preparation or in review

Note: The organization of studies in volumes, as indicated below, relates to Supplements Nos. 6 to 11. It varies for the original *Repertory* and Supplements Nos. 1 to 5.

		Supplements										
Volumes, Articles	*Original Repertory*	*1*	*2*	*3*	*4*	*5*	*6 1979 1984*	*7 1985 1988*	*8 1989 1994*	*9 1995 1999*	*10 2000 2009*	*11 2010 2015*
Volume I							I	I	I	I	I	I
Articles 1, 2 (1) to (3), (5) and (6), 3, 5, 6, 7 and 8												
Articles 2 (4) and (7) and 4												
Volume II							II	II	II	II	II	II
Articles 9 to 12 and 13 (1) (a) (first part of the sentence), (1) (b) and (2) and 14 to 22												
Article 13 (1) (a) (second part of the sentence)												
Volume III							III	III	III	III	III	III
Article 23 (1, second phrase) and (2)												
Articles 23 (1, first phrase) and (3), 24 to 32, 34, 36, 37, 38, and 40												
Articles 33 and 41												
Article 35												
Articles 39, 42 and 50												
Articles 43 to 48												
Articles 49, 52, 53 and 54												
Article 51												
Volume IV							IV	IV	IV	IV	IV	IV
Articles 55 (a) and (b), 57, 62 (2) and 63												
Articles 55 (c) and 56												
Articles 58 to 61, 62 (1), (3) and (4) and 64 to 72												
Volume V							V	V	V	V	V	V
Article 73												
Articles 74 to 85, 87 and 88												
Articles 86 and 89 to 91												
Volume VI							VI	VI	VI	VI	VI	VI
Articles 92, 96 and 99												
Articles 93 to 95, 97, 98, 102, 103 and 106 to 111												
Articles 100 and 101												
Articles 104 and 105												

Studies prepared from 1954 to 1980

Studies prepared from 1996 to 2018

Annex III

Status of the *Repertoire of the Practice of the Security Council* (July 2018)

Supplements published and posted on the Internet at www.un.org/en/sc/repertoire	Advance version available on the Internet	Parts in preparation

A. Status of the completed *Repertoire* Supplements

Supplement	*Status*	*Languages*
Original *Repertoire* and Supplements I–IX 1946–1984		English, French
Supplements X (1985–1988) and XI (1989–1992)[a]		Arabic, Chinese, English, French, Russian, Spanish
Supplement XII (1993–1995)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XIII (1996–1999)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XIV (2000–2003)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XV (2004–2007)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XVI (2008–2009)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XVII (2010–2011)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XVIII (2012–2013)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XIX (2014–2015)		English

[a] As mandated by the General Assembly in resolution 55/222, these Supplements and future Supplements to the *Repertoire* are to be published in all official languages of the United Nations.

B. Status of the *Repertoire* Supplements in preparation

	Parts (procedural and constitutional)									
	I Overview	*II Provisional rules of procedure*	*III Purposes and principles of the Charter*	*IV Relations with other United Nations organs*	*V Functions and powers of the Security Council*	*VI Pacific settlement of disputes*	*VII Actions with respect to breaches of the peace*	*VIII Regional arrangements*	*IX Subsidiary organs. Committees other bodies*	*X Subsidiary organs: peacekeeping and peacebuilding*
Supplement XX (2016–2017)	[redacted]									
Supplement XXI (2018)	[redacted]									